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Fifty-second session

SUMMARY RECORD OF THE 10TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 March 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE MINISTER OF JUSTICE OF BRAZIL

1. Mr. JOBIM (Brazil) said that, while the Commission had already made an enormous contribution to the development of international human rights law, it must intensify its efforts to implement the goals outlined in the Vienna Declaration and Programme of Action on the eve of the fiftieth anniversary of the Universal Declaration of Human Rights.

2. While in exile, the current President of Brazil had been all to aware of the abuses committed by the then military regime against the defenders of human dignity and fundamental rights. Consequently, he had initiated a national plan for human rights, in line with paragraph 71 of the Vienna Programme of Action. That measure was viewed as affirmative action in the context of a strategy characterized by a vision for the future, in the belief that promoting human rights would yield far greater results than pure repression. That belief had led his Government to propose the fostering of international cooperation for the strengthening of the rule of law, which was essential to respect for human rights.

3. In a vigorous and stable democracy, the promotion of human rights was associated with full exercise of citizenship, namely, an indivisible and interdependent set of individual and collective rights. His Government set much store on transparency, meaning not only the manifest adoption of concrete measures but also an endeavour to bring to public knowledge and to open to participation the process of drafting such measures. The elaboration of the national plan for human rights had been undertaken in partnership with non-governmental organizations (NGOs). Seminars held in the main cities had resulted in the identification of the main obstacles to improving human rights protection. Priorities and specific proposals had then been selected with a view to resolving the problems identified.

4. In conformity with its constitutional principles, Brazil had acceded to the two International Covenants on Human Rights and to the American Convention on Human Rights. Under the Constitution, international human rights instruments to which Brazil was a party had immediate effect as ordinary law.

5. His Government was well aware that the adoption of the national plan for human rights would not in itself suffice to ensure effective enjoyment of those rights, for that depended on a coordinated effort by the State and by society at large. In a society where serious imbalances remained, human rights could not be promoted without combating structural problems such as unemployment, hunger, lack of adequate housing, land reform, health and education. Since the aim had been to identify the most serious violations of human rights, the promotion and protection of civil rights had been given priority.

6. To help overcome the obstacles to the full enjoyment of citizenship, four basic approaches had been adopted, namely, combating violence; combating abuses against the right to equality; protecting vulnerable groups; and

fighting for individual freedom and against slavery, forced labour and arbitrary imprisonment. The national plan would also pay particular attention to human rights education.

7. As for the situation of indigenous people in Brazil, his Government had a firm commitment to demarcate indigenous lands, comprising more than one tenth of Brazilian territory. That demarcation work had been carried out intensively but the administrative procedure had been questioned before the Supreme Court and changes had recently been made to place the procedure on a solid legal and constitutional footing. Substantial financial resources were required for the task, however, for which his Government was counting on international cooperation and assistance. Promotion of the rights of indigenous people was not confined to demarcating their lands and the national plan also included specific activities on their behalf in the areas of health, education and information.

8. Because a more active role for NGOs would help consolidate a human rights culture, the national plan placed clear responsibility upon them in regard to the education and consciousness-raising of the general public.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (item 12 of the provisional agenda) (continued) (E/CN.4/1996/71 and Add.1 and 72 and Add.1; A/50/476 and 493; E/1995/111 and Add.1)

9. Mr. LOUKIANTSEV (Russian Federation) said that, 50 years after the overthrow of the Third Reich, racism was still a threat to peace, democracy and human rights, even in countries with proven democratic traditions and developed institutions of civil society. Despite pronouncements regarding commitment to democracy, the primacy of law and humanist European culture, thousands of people were being deprived of their basic rights in some countries because of their ethnic origin.

10. Although President Yeltsin had noted that relations among ethnic groups had significantly worsened since the start of the 1990s, the Russian Federation had been able to avoid mass manifestations of ethnic confrontation. That was due not only to the time-honoured relations between national groups there but also of a determined policy based on the ideal of a multinational Russia. Much remained to be done, however, to enact and implement legislation designed to foster and strengthen harmony among ethnic groups. Special attention was being given to measures to prevent incitement to racial, national or religious discord or intolerance and a number of such measures had already been put into effect. The Committee on the Elimination of Racial Discrimination had recently discussed the report of the Russian Federation and its conclusions and recommendations would be duly taken into account by the Russian authorities.

11. Civil society was being developed in contemporary Russia. In January 1996, for the first time in the country's history, a number of Jewish groups had been brought together in a single organization. That was a small but real Russian contribution to the struggle against anti-Semitism.

12. Minorities were the primary targets of racism and xenophobia in the contemporary world and more attention should thus be paid by the Special Rapporteur, the Committee on the Elimination of Racial Discrimination and the other treaty bodies to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

13. It was important to identify new strains of racism and step up the fight against them. Human rights bodies should engage in a detailed analysis of such contemporary phenomena as hidden discrimination through which arbitrary and illegal dealings with ethnic minorities were presented as fulfilling the law of "historical justice". It would also be of interest to study the influence of indirect forms of discrimination on the implementation of fundamental human rights, including the right to freedom of movement.

14. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta, said that racism, intolerance and inter-ethnic violence continued to threaten peace and security in many parts of the world.

15. The crimes of ethnic cleansing in the former Yugoslavia and ethnic genocide in Rwanda were proof that racial hatred often sparked and fanned the flames of conflicts. Therefore, intolerance and racism should be effectively combated and stamped out everywhere in the world particularly through preventive action. In that regard, the Union supported the efforts of the High Commissioner for Human Rights, who was sending five observers to Burundi.

16. The fight against racism required global policies. The States members of the Union had therefore decided to pool their efforts in the search for appropriate responses, bearing in mind that the elimination of discrimination was a necessary condition for the development of each individual within society.

17. Thus, at the Corfu Summit of Heads of State and Government in June 1994, the Union had defined a common strategy to combat racist and xenophobic acts of violence and decided to establish an advisory commission on recommendations in the area of cooperation between Governments and institutions working for tolerance. In June 1995, that advisory commission's mandate had been extended so as to enable it to consider, in direct liaison with the Council of Europe, the possibility of establishing a European monitoring centre on racism and xenophobia. In the Union's view, the two organizations should cooperate closely in order to maximize Europe's contribution in that area and avoid duplication of efforts. The adoption of common action by the Union to combat racism through the harmonization of national legislations and the increase in legal assistance between member States had also been recommended.

18. Furthermore, the Declaration of Principles adopted by the first Euro-Mediterranean Ministerial Conference at Barcelona in November 1995 had confirmed the commitment of each of the participants to respect diversity and pluralism while combating racism and xenophobia.

19. Those provisions complemented the action taken by the Organization for Security and Cooperation in Europe and by the Council of Europe, which had

been developing its interventions in the fight against intolerance, racism, anti-Semitism and xenophobia since the Vienna Meeting of Heads of State and Government in October 1993. The European Commission against Racism and Intolerance, established at that Meeting, had completed some crucial work on the gathering of information pertaining to the national legislation and policies of member countries in combating racism and intolerance.

20. Europe's commitment to combating all forms of racism, racial discrimination and xenophobia, including anti-Semitism, fitted in with the universal mechanism established within the United Nations aimed at condemning all the manifestations of that abomination and identifying measures to address and prevent it in all United Nations Member States.

21. The States members of the Union were eager to cooperate closely with the various bodies of the United Nations concerned with racism and racial discrimination. The Union had assured the Special Rapporteur of its full support for his activities which, in its view, should not overlook any form of racial discrimination, xenophobia or anti-Semitism wherever it might occur and help to prevent it. The Union therefore supported the Special Rapporteur's plan to continue his visits to other continents.

22. The Committee on the Elimination of Racial Discrimination (CERD) also constituted a key element of that mechanism by effectively ensuring that States parties to the Convention respected their commitments. The Union welcomed, in particular, the Committee's efforts to establish preventive and early-warning measures designed to overcome the difficulty of forecasting the danger of massive human rights violations. It also urged the Committee to develop further coordination of its activities with those of other United Nations bodies.

23. He once again urged all Governments that had not yet done so to ratify the Convention on the Elimination of Racial Discrimination and the amendments to that Convention concerning the financing of its Committee, so as to give the Committee the resources it needed.

24. The Union hoped that the Third Decade to Combat Racism and Racial Discrimination would lead to increased action in favour of tolerance and respect for others. By combining its forces, the international community should be able to prevent and eradicate all manifestations of discrimination and racial hatred and ensure that all individuals, regardless of their race, colour, ethnic or national origin, would have the full enjoyment of their rights.

25. Ms. GAER (United States of America) said that racism was the enemy of all humankind. Its power to pervert and destroy had been amply borne out by the fact that almost every conflict that had occurred in the twentieth century had stemmed from discriminatory and exclusivist policies.

26. Nowhere in the world had the questions of race, discrimination and diversity been so openly scrutinized as in her own country which had the most comprehensive set of anti-discriminatory laws in the world. However, despite the best efforts to eradicate racism through such laws, the country still had

to grapple with the scourge of racial prejudice among its citizens. The United States authorities were determined, however, to continue to fight racial prejudice wherever they encountered it.

27. Fortunately, there was growing recognition that the nations of the world must find the means to fight the rising incidence of racial discrimination, wherever it occurred and whatever form it took. Since the end of the cold war, an array of intergovernmental bodies, including the European Union and the Organization on Security and Cooperation in Europe, had spoken out against racism and adopted measures to address racially motivated problems. It was also heartening that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance had been given a mandate to examine and report on incidents of racism and racial discrimination throughout the world and recommend measures by which Governments could overcome such global problems. She trusted that the fact that the Special Rapporteur had visited Brazil, in addition to three European countries, signalled his interest in pursuing his inquiries in all parts of the world as did other thematic rapporteurs.

28. Since her Government believed that NGOs had unique contributions to make in the field of human rights, it urged the Special Rapporteur to take advantage of what they had learned to look for. However, her Government was concerned that the Special Rapporteur had not examined various incidents of intimidation, discrimination and intolerance to a sufficient extent. His treatment of anti-Semitism seemed to repeat stereotypes, rather than clarifying what was wrong and identifying steps to address specific incidents throughout the world.

29. Ultimately, the indicator of a society's will to overcome racial discrimination, xenophobia, anti-Semitism and other forms of intolerance, was the way in which public officials and individual citizens responded to and countered them. Fortunately, leaders in many countries had demonstrated how individuals could address the problems of racial hatred and the actions to which such hatred gave rise. The Commission had a special responsibility to ensure that every country around the globe did its utmost to eradicate racial and ethnic prejudice and intolerance at home and abroad.

30. Mr. JAWED (Pakistan) said that the phenomenon of racism had not disappeared with the demise of apartheid. Ethnic cleansing, an extreme form of racism, was stark proof of the fact. Had prompt action been taken by the international community, those flagrant violations of the International Bill of Rights and other international instruments could have been averted. It was also most disturbing that xenophobia and racist intolerance, affecting ethnic minorities, migrant workers, indigenous populations, nomads, immigrants and refugees, was on the rise in many societies.

31. There was growing discrimination against Muslim minorities, who had become the preferred targets of racist and fascist groups in many countries and even against some Muslim countries. His delegation therefore welcomed the Third Decade to Combat Racism and Racial Discrimination and fully endorsed its objectives. It was very alarming to note, however, at such a critical juncture, the Centre for Human Rights was being prevented from implementing

the plan of activities envisaged under the Decade owing to a lack of human and material resources and he hoped that ways and means would be found to overcome that result of the financial crisis.

32. The Governments of countries where xenophobic and racist sentiment was on the rise should combat that phenomenon by all available means. For their part, the Government and people of Pakistan would continue to work for the complete elimination of all forms of racial discrimination throughout the world and pledged their support to all those working towards that end.

33. Mr. N'DIAYE (Observer for Senegal) said his delegation was concerned that none of the activities envisaged under the Third Decade to Combat Racism and Racial Discrimination had been implemented, although racial and ethnic discrimination continued unabated, affecting, in particular minorities, ethnic groups, migrant workers and refugees. The adoption of a host of legal instruments and the proclamation of three decades to combat racial discrimination had clearly not stopped the resurgence of racism, racial discrimination and related forms of intolerance and the credibility and authority of the Commission were at stake if it was unable to come up with specific solutions to answer the hopes of the suffering and oppressed throughout the world.

34. The combat against racism must be intensified and extended and accorded pride of place in any agenda for peace and conflict-prevention strategy. He therefore urged all member delegations to ensure that the resolution adopted at the current session of the Commission would truly reflect the common desire to strengthen collaboration and cooperation between States, United Nations bodies, specialized agencies and NGOs in that regard, focusing on the implementation of the programme of the Third Decade through education of the public, the provision of legal protection for victims and the elimination of racist acts and attitudes. An annually updated list of racist movements, groups and political parties should be published.

35. A strategy to combat racism through the harmonization of legislation and State practice should be publicized worldwide and the International Law Commission should take up such a task. Model legislation should be published. Due attention should likewise be given to the establishment of a network of cooperation and assistance among the relevant national institutions. The Centre for Human Rights, through its advisory services and technical assistance, should examine the link between the campaign against racism, the strengthening of national institutions and the promotion of human rights.

36. He agreed with the Secretary-General that, on the eve of the twenty-first century, the political will to eliminate racism and racial discrimination must be strengthened. The development of a culture of tolerance and solidarity must go hand-in-hand with internationalization and liberalization.

37. Mr. PARREIRA (Angola) said that his Government agreed with the Special Rapporteur that much still remained to be done to combat racism, racial discrimination and xenophobia. An unwelcome development was the use of international computer networks to spread all kinds of racist and xenophobic propaganda, and he asked the Chairman to transmit to the Secretary-General his Government's indignation at the participation of racist organizations in the

programming of such networks. He hoped that he could count on the support of all delegations in the initiatives his delegation intended to take at the current session with a view to banning from the Internet and similar networks racist propaganda and incitement to ethnic and racial hatred.

38. His Government was greatly concerned that the Centre for Human Rights had been unable to begin implementing the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. It was absolutely essential that adequate financial and human resources be made available to the Centre so that it could address the rise in racism, xenophobia and discrimination against migrants, especially blacks, a phenomenon which was particularly intense in the Western countries and in Central Europe. His Government fully endorsed the General Assembly's request to the Secretary-General to consult Member States and NGOs regarding the possibility of organizing a world conference to combat racism, racial discrimination, xenophobia and related forms of intolerance.

39. Ms. GHOSE (India) said that, despite the collapse of apartheid, racism persisted and continued to manifest itself in new and frequently violent forms. Collective attention and action must be strengthened in order to control and eventually eliminate those tendencies by addressing both their causes and their effects.

40. Those worrying trends had been ably documented by the Special Rapporteur. His report (E/CN.4/1996/72) indicated that some States had asked for an opportunity to respond to allegations made by NGOs. They should, of course, be given that opportunity, as indeed should all countries, in respect of all aspects of human rights. It was surprising to find, however, that some Governments, which were committed to the idea of investigating human rights violations in developing countries, did not accept similar investigations in their own countries.

41. The Special Rapporteur had noted a reluctance to accept the idea of multiculturalism in many societies otherwise considered democratic and tolerant. All countries must ensure full enjoyment of individual rights and freedoms by all segments of society, without discrimination of any kind.

42. Concerted steps to combat contemporary forms of racism should commence with the strengthening of legislative and administrative measures. All countries should consider acting on the "early-warning" system devised by the Committee on the Elimination of Racial Discrimination (CERD). Some countries maintained reservations to article 4 of the Convention on the Elimination of Racial Discrimination on the grounds that freedom of speech and expression must be preserved. When there was a clash between two freedoms, however, the one that promoted human rights on the basis of equality must take precedence. She urged all parties to withdraw any reservations to article 4 and all countries that had not yet done so to become parties to the Convention.

43. While the underlying causes of racism should be identified and remedial steps taken, educational institutions and the media must educate public opinion about foreign cultures and promote tolerance and respect. Many countries, even those with adequate resources, had not taken steps to ensure the dissemination of such knowledge.

44. Commission resolution 1995/11 had requested the Secretary-General to publish and distribute model legislation on racism and racial discrimination for the guidance of Governments, yet no mention had been made of progress in that regard. The Centre for Human Rights should take urgent steps to implement that mandate. It was also necessary to provide for adequate human and material resources for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

45. Her Government supported the proposal to hold a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance. In view of the financial crisis facing the United Nations, however, it might be preferable to make contemporary forms of racism and measures for combating that phenomenon a focus of deliberations at the Commission's next session.

46. It was deeply disappointing that the Special Rapporteur had been unable to submit reports on all his field missions. It was also unfortunate that he was unable to be present for the Commission's current consideration of the issue. The recurrent problems he faced in terms of funding and staff support should be effectively addressed.

47. Mr. Chang Il PARK (Republic of Korea) said that human rights injustices throughout the world were caused by discrimination and intolerance. One of the most disturbing recent trends was the intensification and proliferation of contemporary forms of intolerance. The resurgence of nationalism had led to intensified group identities which could well degenerate into hatred of other groups. Moreover, the deteriorating economic climate in many parts of the world had caused stiff competition for jobs and spawned the rise of political parties and groups which directly or indirectly promoted xenophobia. Racism looked like being one of the most important issues in the coming century and the Commission could not afford to relax its vigilance.

48. He therefore urged the Special Rapporteur to continue his work of unearthing new forms of racism and intolerance through country studies and reports. His delegation placed a high priority on the need to raise funding for education programmes that promoted respect and tolerance in the contemporary world and therefore welcomed the results of the Special Rapporteur's consultations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning practical ways of introducing human rights into all levels of education, within the context of the Third Decade to Combat Racism and Racial Discrimination. The Programme of Action for the Third Decade to Combat Racism and Racial Discrimination was an appropriate one, but it must be remembered that the goals of the previous two decades had not yet been attained.

49. Mr. HASSAINE (Algeria) said that, despite the welcome fact that it had been possible to delete the item on apartheid from its agenda, the Commission was still confronted with a resurgence of racist ideologies throughout the world and the emergence of new forms of racial discrimination. Existing balances had been upset and latent nationalisms revived, causing much loss of life and material damage. On the eve of the twenty-first century, the world was sunk once again in a barbarism that it had believed to be a thing of the past.

50. Many victims of racial discrimination were foreign residents, particularly migrant workers and their families who, in the industrialized countries hit by the economic crisis, had become scapegoats for all the problems of their host societies. Real ethnic and cultural ghettos had appeared, and fear and hatred had won out over dialogue and mutual enrichment. Foreigners were wrongly perceived to be the cause of high unemployment, insecurity and a whole gamut of social evils, a perception that had been exploited by some political parties which openly espoused xenophobia. The pressure on the authorities was sometimes so great that discriminatory laws were promulgated, as the Special Rapporteur had pointed out. The legal status of foreigners was frequently insecure and violent groups were being formed to hunt them down.

51. Such new forms of racial discrimination could not but arouse great anxiety and a conviction that urgent action must be taken by all States at both the national and international levels. If States had a duty to strengthen their legislation and action to promote social harmony, the United Nations also had a role to play, and the proclamation of the Third Decade to Combat Racism and Racial Discrimination seemed to be an effective means. Unfortunately the shortage of funds had voided the Decade of its essential content, with the result that there was an urgent need to mobilize sufficient resources for its implementation.

52. Mr. ULUCEVIK (Observer for Turkey) said that all forms of racism and racial discrimination constituted serious violations of human rights and also adversely affected friendly relations among nations. Unfortunately, racism was still haunting the world and was taking on increasingly violent forms, including physical aggression, attacks on property, the desecration of cemeteries and the destruction of places of worship.

53. The appointment of a Special Rapporteur and the proclamation of the Third Decade to Combat Racism and Racial Discrimination indicated the international community's growing awareness of the magnitude of the problem. The Special Rapporteur had rightly pointed out the impact of cultural relativism, which contemporary forms of racism used as a disguise, and of increasing media incitement to racism, hatred and genocide. His delegation hoped that the Commission would endorse the recommendations in the Special Rapporteur's report to the General Assembly (A/50/476) and initiate action for the establishment of a United Nations mechanism to monitor the use of the media for the purpose of such incitement.

54. It was paradoxical that those violent forms of racism should be taking place in prosperous countries having some of the best administrative structures. In that respect it was impossible to ignore the constant threat posed generally to migrant workers living in industrialized countries, and to those from his own country in particular. In several countries of Western Europe Turkish workers had reached their third generation and were contributing to the economies of the host countries not only their labour but also with their capital. Despite those contributions, however, they were falling victims to racism and xenophobia. The Governments of the host countries concerned should therefore further strengthen the measures they were taking to combat racism and xenophobia.

55. Racism was really a test case for the United Nations human rights system, since its success in promoting human rights throughout the world would largely depend on its success in combating racism. The campaign against racism and all its manifestations must therefore continue to be waged with determination. In that connection, his delegation supported the work of the Special Rapporteur and recommended that the Commission should extend his mandate for a further period of three years and that he should be provided with all the necessary resources to carry out his duties effectively.

56. Mrs. MARKIDES (Observer for Cyprus) said that the Special Rapporteur was to be congratulated on the useful role he had played in contributing to the understanding of some racism-related problems and the quest for appropriate solutions. Her delegation wished to express its full support for his mandate and for the continuation of his research in other parts of the world. The Third Decade to Combat Racism and Racial Discrimination offered an opportunity to combat all forms of intolerance and to participate actively in the construction of societies based on democracy, tolerance and solidarity.

57. The people of her country continued to witness manifestations of racism by Turkey, which had invaded the island in 1974 and still occupied 37 per cent of its territory. Properties of the 200,000 expelled Greek Cypriots had been given to more than 80,000 Turkish settlers, in an attempt to change the demographic structure of the island. As a result of the violent forms of racism practised by the Turkish occupation regime, only 492 Greek Cypriots still remained in their homes in the territory under Turkish occupation.

58. The Secretary-General, in his report to the Commission (E/CN.4/1996/54), had drawn attention to the very severe restrictions imposed on Greek Cypriots still living in the occupied part of Cyprus with regard to family visits, economic activity, freedom of communication, medical care, religious observances and education. UNFICYP had made a number of recommendations for remedial action by the occupation regime. The Rapporteur on Cyprus, appointed by the Parliamentary Assembly of the Council of Europe, had expressed his shock at the living conditions of the enclaved Greek Cypriots who, he stated, suffered from gross abuses of human rights. The Committee on the Elimination of Racial Discrimination (CERD), in the concluding observations which it had made after considering the periodic report of Cyprus, had expressed grave concern regarding the violation of specific rights guaranteed under the Convention as a result of the Turkish occupation of part of Cypriot territory and had reiterated its call for an end to that state of affairs. In addition, the European Commission of Human Rights had found Turkey responsible for the continued separation of families resulting from Turkey's refusal to allow the return of Greek Cypriots and had concluded that violations of a number of articles of the European Convention on Human Rights were exclusively directed against members of the Greek Cypriot community.

59. The Commission on Human Rights should thus send a clear message to the Government of Turkey that the continuation of practices of racial discrimination and ethnic cleansing in Cyprus would no longer be tolerated.

60. Mr. WALDEN (Observer for Israel) said that the seriousness of United Nations effort to combat racism was evidenced, inter alia, by the appointment of the Special Rapporteur on contemporary forms of racism, racial

discrimination and xenophobia and related intolerance. Moreover, in 1964, the Commission's annual resolution on measures to combat racism had, for the first time, included references to anti-Semitism. The United Nations had thus recognized anti-Semitism as a form of racism that could not be tolerated.

61. The Special Rapporteur's reports showed how necessary the inclusion of anti-Semitism was. The communication from the Government of Israel cited in his latest report (E/CN.4/1996/72) referred to anti-Semitic writings in Japan, black Muslim activities in the United States, continued allegations of Jewish world domination based on the notorious forgery of the Protocols of the Elders of Zion, and Muslim fundamentalist attack on Jews in the Middle East. The Special Rapporteur had also mentioned the activities of neo-nazi groups in Europe and in the territory of the former Soviet Union. Nevertheless, it was surprising that he merely quoted from the communications on anti-Semitism he had received, making no comments on them; despite the fact that his mandate was to examine and report on manifestations of racism.

62. His delegation had noted the report on Brazil (E/CN.4/1996/72) and the briefer reports on the missions to Germany, France and the United Kingdom. It welcomed the Special Rapporteur's assurance that he did not intend to concentrate on Western countries and that he would examine the situation in the different continents, since racism was not confined to any one region of the world. His delegation reiterated its support for the work of the Special Rapporteur and expressed the hope that it would continue to be carried out in a comprehensive and fearless manner within the territory of all States.

63. Mr. VENERA (Observer for the Czech Republic) said that it was necessary to devise a strategy for combating racism, xenophobia, anti-Semitism and intolerance that took account of the vastly different situations in different countries. The constitutions of all democratic States contained a direct or indirect prohibition of discrimination in matters of daily life. In his own country, any kind of discrimination based on sex, race, colour, language, religion, political or other conviction, ethnic or social origin, membership of a national or ethnic minority, property, birth or other status was prohibited.

64. The increasing number of hate-motivated crimes that had been committed in recent years might be explained as part of an attempt by the population to come to terms with the diversity that was replacing the uniformity that had prevailed under the former totalitarian system. Being aware of the problem, his Government had approved a document laying down the fundamental political principles governing nationality policies, including the status of persons belonging to national minorities, the protection of their rights, the conditions for the development of cultural life, the dissemination of information in the mother tongue, freedom of association, education, the use of the mother tongue in official dealings, and the direct participation of persons belonging to national minorities. There were also some highly subsidized projects for the preservation and development of the specific culture of national minorities.

65. The Government had also acted to deter hate-motivated crimes by adopting legislation providing for increased sentences for persons convicted of crimes involving national or racial hatred. The legal and institutional structures for coping with that challenge already existed and the key need was for education to build up a "culture of tolerance".

66. Mr. KIRKYACHARAN (Movement against Racism and for Friendship among Peoples) said that the Special Rapporteur indicated that, in several Western countries, racism was fostered by laws limiting immigration and restricting the right of asylum. That was certainly true in the case of France, where the authorities were considering making the status of foreigners more precarious by establishing a link between the issue of residence permits and the preservation of public order. There had even been an attempt to make the offence of aiding illegal immigrants part of anti-terrorism legislation, though that had led to an outcry. Obviously, political action targeting immigrants favoured the racist fantasies of the extreme right, increasingly widespread in times of high unemployment, while making nationality more difficult to obtain - as in France - or almost impossible - as in Germany - strengthened the image of the swarthy foreigner who threatened the national community.

67. The Government of the United Kingdom had recently prevented the adoption of European Union legislation outlawing the advocacy of racist ideas, on the grounds that it violated freedom of expression, but freedom of expression could not be the freedom of anyone to say anything he liked in all circumstances. The Mille Collines radio station in Rwanda had incited people to commit murder, and journalists who spread fear of the barbarians from the South ought to be punished for their provocations. The main responsibility lay with politicians, who should promote positive anti-racism as part of a social programme for the education of citizens.

68. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that, while the recent accession of Japan to the International Convention on the Elimination of All Forms of Racial Discrimination was a major step forward, the reservations entered to paragraphs (a) and (b) of article 4 and the failure to recognize the competence of the Committee on the Elimination of Racial Discrimination to consider communications under article 14 were most unfortunate, the more so as racial discrimination was still directed at many groups in Japan, including an increasing number of migrant workers.

69. A considerable number of Asian countries had still not ratified the Convention. The United Nations should provide expertise, advisory services and technical cooperation to those countries so as to encourage them to ratify the Convention as soon as possible.

70. Asylum seekers and migrant workers, especially in Europe, were increasingly becoming targets of racist attacks and were seriously affected by restrictive Government policies, prolonged periods of detention, and expulsions. Another matter of concern was the sad fate of unaccompanied child refugees, and calls had been made for the adoption of a specific status for child refugees in accordance with the International Convention on the Rights of the Child.

71. An intergovernmental conference was shortly to be held for the purpose of revising the Treaty of Rome, particularly with regard to racism and xenophobia. Most States members of the European Union had already ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the Union guaranteed the principle of non-discrimination under one of its own conventions. It was almost certain, therefore, that a proposal entitled "Starting Point", prepared by a group of independent experts, would be approved.

72. Mr. WAREHAM (International Association against Torture) said that his organization was not convinced of the sincerity of the United Nations commitment to the elimination of racism and racial discrimination, in particular its willingness to eliminate double standards. A case in point was the unavailability of funds to support the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, once he had indicated his intention to investigate such matters in the developed countries.

73. Conditions in the United States had worsened since the Special Rapporteur's visit in 1994. The authorities, at all levels, had become increasingly active participants in the propagation and implementation of racism. Racism, disguised as job security for United States citizens, was at the origin of the proposed immigration laws. There had been a 35 per cent increase in attacks on Asian Americans nationwide. The Supreme Court was masterminding the dismantling of affirmative-action programmes. A racially-motivated killing in North Carolina had raised serious doubts about the United States Army's commitment to preventing right-wing extremist activity.

74. Racism was not confined to the United States. Human rights violations were also occurring in countries such as the United Kingdom, France, Germany and Canada. He urged the United Nations to provide the financial support needed to implement the Programme of Action of the Third Decade against Racism and Racial Discrimination and, in particular, the work of the Special Rapporteur. Financing for efforts to eliminate racism should be a regular budget item, and those who complained about the lack of resources should pay their overdue contributions.

75. Ms. NEURY (Centre Europe-Tiers Monde) said that the combat against racism and racial discrimination was above all a matter of closing the gap between the countries of the North and the South, and achieving greater equality of rights. Political or economic discrimination was the source of almost every racist or xenophobic act.

76. In his report (E/CN.4/1996/72), the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had identified a number of situations that had clearly been created as a result of political decisions taken by States. Many European States were closing their borders and expelling large numbers of asylum seekers and immigrants, while advocating the right to freedom of movement. Governments often tried to legitimatize their exclusion policies by denigrating the populations concerned, thus instilling negative attitudes in the public mind, which led to racist acts.

77. Racism was an intellectual and emotional construct built out of frustration, historical conflicts, the pitting of communities against each other and the division of people into hierarchies. It was legitimate to ask who was responsible for setting that machine in motion.

78. Ms. SPALDING (International Association of Educators for World Peace) said that economic, social and cultural rights and the right to development could not be realized effectively while racism was widespread. She called on the international community to seek practical ways to implement the Programme of Action under the Third Decade for the Elimination of Racism and Racial Discrimination.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(item 5 of the provisional agenda) (E/CN.4/1996/22, 23, 106 and 113; E/CN.4/1996/NGO/3, 7, 8 and 10; E/CN.4/Sub.2/1995/12 and 15)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 6 of the provisional agenda) (E/CN.4/1996/10, 24 and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 13 of the provisional agenda) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 14 of the provisional agenda) (E/CN.4/1996/77 and 87; A/50/505)

79. Mr. ENNACEUR (Tunisia), Chairman-Rapporteur of the Working Group on the Right to Development, introducing the Group's report (E/CN.4/1996/24), said that at the World Conference on Human Rights, the international community had reached a consensus on the importance of the right to development. The task of the Working Group had been to identify obstacles to the implementation of that right, suggest ways of eliminating those obstacles and recommend means by which the right could be granted on a universal scale.

80. Being well aware of the various views concerning interpretation of the Declaration and its scope, the Working Group had been inspired by the consensus that had emerged from the World Conference on Human Rights, at which the right to development had been recognized as a universal and inalienable right. The Group had also borne in mind that it was primarily up to States to create the conditions for the realization of the right to development and that such obligations were mainly those of "behaviour" rather than of "results".

81. Rather than specifying the modalities of its own implementation, the Declaration on the Right to Development provided a general framework of common objectives within which each State could determine its actions according to its particular circumstances and available resources. Development was a dynamic process of improving individual and collective welfare, thereby lessening the traditional divide between developing and developed countries.

82. Development became feasible once Governments realized that, rather than striving to increase national revenue and per capita income, they needed to create conditions favourable to the full development of each individual. International assistance and the establishment of a favourable economic environment were two other essential factors.

83. The Group's concrete recommendations aimed at promoting and strengthening the right to development could best be implemented within the framework of a coordinated strategy which would mobilize the relevant sectors of the United Nations system under the leadership of the Commission on Human Rights. One of the basic elements of the strategy was to increase awareness of the principles set forth in the Declaration on the Right to Development and to encourage Governments and others to support and carry out the appropriate reforms. Governments should also be encouraged to submit to the Commission, or other mechanism created for that purpose, periodic voluntary reports on the progress they had made.

The meeting rose at 12.55 p.m.